

Application Serial No. 10/594,043
Reply to Office Action mailed April 29, 2010
Response to Restriction/Election dated May 18, 2010

Applicants elect, with traverse, Species 3 depicted in FIGS. 12-17. Claims 1-15 and 17-24 read on the elected Species. Upon allowance of a generic claim, Applicants respectfully request consideration of additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 C.F.R. 1.141.

Applicants reserve the right to file additional applications to pursue non-elected inventions, and to add claims to the elected group.

Under 35 U.S.C. §121 “two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions.” The term “independent” means that there is no disclosed relationship between the two or more subjects disclosed (MPEP § 802.01). The term “distinct” means that two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (MPEP § 802.01) (emphasis in original).

Even when the inventions are shown to be patentably distinct, the Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following according to MPEP § 808.02:

- A. Separate classification;
- B. Separate status in the art; or
- C. Different field of search.

Where the claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions (MPEP § 803.01).

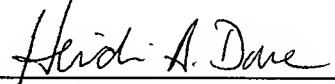
Applicants respectfully traverse this restriction for the following reasons: (1) the Examiner has failed to establish that Species 1-6 are so patentably distinct to warrant separate examination, and (2) the Examiner has failed to demonstrate that there is an undue burden. The Examiner has not shown that there is a separate classification, separate status in the art or a different field of search required for each of the Species 1-6 identified by the Examiner.

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Applicants respectfully assert that the claims are in condition for early allowance.
Allowance of the claims is earnestly solicited.

Respectfully submitted,

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